

MELINDA HAAG (CABN 132612)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

TIMOTHY J. LUCEY (CABN 172332)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: Timothy.Lucey@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 09 - 01195 JF
)	
Plaintiff,)	STIPULATION AND
)	[PROPOSED] ORDER
v.)	
)	
RODNEY HATFIELD, et al.,)	
)	
Defendants.)	

WHEREAS, the government has produced in excess of 30,000 pages of discovery to counsel for the defendants, and where the discovery includes financial records, trading records, and emails, such that the matter is considered complex under 18 U.S.C. § 3161(h)(8)(B)(ii);

WHEREAS, counsel for the defendants need sufficient time to review the discovery, in order to effectively prepare for the defense of this matter, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this matter is appropriate given the and the need for effective preparation of counsel and where the next available date where all counsel are available is October 14, 2010, such that there is a need for a continuance to such date based on continuity of counsel, pursuant to 18 U.S.C. §

The parties also agree, and the Court has found previously, that the case involves government allegations of a complicated fraud scheme with substantial evidence, both paper and electronic, and that thus “the case is so unusual or so complex, due to . . . the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established” by the Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(7)(ii).

Finally, the parties agree that the ends of justice served by excluding time from September 2, 2010, until October 14, 2010, outweigh the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(A).

STIPULATED:

DATED:

/S/

 GEOFFREY A. BRAUN
 Attorney for RODNEY HATFIELD

1
2 DATED: /S/
3 VARELL L. FULLER
4 Assistant Federal Public Defender
5 Attorney for LLOYD MYERS

6 DATED: /S/
7 TIMOTHY J. LUCEY
8 Assistant United States Attorney
9

10 **ORDER**

11 For good cause shown, the Court continues the matter until **Thursday, October 14,**
12 **2010, at 9:00 a.m.**

13 The Court enters this order excluding time from September 2, 2010, up to and including
14 October 14, 2010. Specifically, the parties agree, and the Court finds and holds that such that
15 time should be excluded until October 14, 2010, and furthermore that failing to grant a
16 continuance until October 14, 2010, would unreasonably deny the defendant continuity of
17 counsel, and also would deny defense counsel the reasonable time necessary for effective
18 preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
19 3161(h)(8)(B)(iv).

20 The parties also agree, and the Court finds and holds, that the case involves government
21 allegations of a complicated fraud scheme with substantial evidence, both paper and electronic,
22 and that thus “the case is so unusual or so complex, due to . . . the nature of the prosecution, or
23 the existence of novel questions of fact or law, that it is unreasonable to expect adequate
24 preparation for pretrial proceedings or for the trial itself within the time limits established” by the
25 Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(B)(ii).

26 ///

27 ///

28 ///

1 Finally, the parties agree, and the Court finds and holds, that the ends of justice served by
2 excluding time from September 2, 2010, through October 14, 2010, outweigh the best interest of
3 the public and the defendant in a speedy trial. Id. § 3161(h)(A).
4

5 **IT IS SO ORDERED.**

6
7 **DATED:** 9/1/10
8

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HON. JEREMY FOGEL
United States District Judge